

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

ALLSTAR CAPITAL, INC.,)	No. ED94415
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
JONATHAN WADE,)	Honorable Steven H. Goldman
)	
Appellant.)	FILED: November 15, 2011

Jonathon Wade ("Wade") appeals the judgment of the trial finding for AllStar Capital, Inc. ("AllStar") on its suit to collect on a promissory note. Finding that Wade had defaulted on his repayment obligations under the note, the trial court entered judgment ordering Wade to pay the outstanding balance of the loan, accrued interest, attorney's fees, and costs.

AFFIRMED.

Division One Holds: Wade properly raised the issue of AllStar's corporate capacity by making a sufficiently specific negative averment in his responsive pleading. However, AllStar met its burden by adducing sufficient evidence regarding its corporate status. By failing to plead AllStar's alleged statutory violations as affirmative defenses, Wade effectively waived those defenses.

Opinion by: Roy L. Richter, J.
Clifford H. Ahrens, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Frank A. Conard

Attorneys for Respondent: Stephen L. Beimdiek, Sarah J. Hugg

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
